IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4495 OF 2004

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Shripad Keshavrao Gawarikar
and ors ...Petitioners

Versus

Smt.Darshana Ashish Gawarikar

and

The State of Maharashtra ...Respondents

...

Mr.S.S. Parab for the Petitioners.
Mr.Satish Maneshinde for Respondent No.1.
Mr.D.R. More, APP for the State.

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CORAM: A.M.KHANWILKAR, J.

DATED: 29TH OCTOBER,2004

P.C.:

1. Heard counsel for the parties. Rule. Rule made

returnable forthwith by consent. Mr.Satish Maneshinde waives notice for Respondent No.1 and Mr.D.R.More,APP waives service for Respondent No.2.

2. As short question is involved,by consent of parties the petition is taken up for final disposed.

3. The Petitioners have been arrayed as accused in offence registered with Dindoshi Police Station, Mumbai as Cr.No.237 of 2001, which is now pending trial before the Addl.Chief Metropolitan Magistrate, 24th Court, Borivali, being C.C. No.1168/P of 2001 punishable under Section 498-A, 406 read with Section 34 of the Indian Penal Code.

4. During the pendency of this case, parties have arrived at amicable settlement with regard to all the pending disputes, inter-se. Consent terms have been filed before the Family Court by the parties accepting that position. Respondent No.1, who is the complainant, is personally present in the court and submits that having regard to this development she is not interested in prosecuting the criminal action against the Petitioners and for which reason the proceedings be quashed.

5. As the Respondent No.1, who is complainant, is not interested in continuing the criminal proceedings, no fruitful purpose will be served by prosecuting the matter, besides the parties have arrived at amicable settlement, the appropriate course in the interest of justice is to accede to the prayer in this petition in terms of prayer clause (a).

6. Counsel for the Petitioners, on instructions, assures the Respondent No.1 that the flat as referred to in paragraph 4 of the consent terms will be transferred in her favour before the next date of hearing in the metromonial proceedings pending before the Family court, i.e. 19-11-2004.

Assurance given by the Petitioners, as aforesaid, is accepted.

7. Accordingly, this petition is disposed of in the above terms and the rule is made absolute in terms of prayer clause (a).

Parties to act on authenticated copy.

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